IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2098 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KALPANABEN MUKESHCHANDRA PATEL

Versus

STATE OF GUJARAT

Appearance:

MR BA SURTI for Petitioner

MS BR GAJJAR AGP for Respondents No. 1 & 2.

MS KJ BRAHMBHATT for Respondent No. 3 & 4.

HL PATEL ADVOCATES for Respondent No. 5

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 23/04/2001

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The main prayer made in this petition is for a direction to the respondents to take action against the

respondent no. 5 who having committed breach of Service Rules against them on Constitution and Statute.

3. The learned counsel for the petitioner could not show any Rule requiring the respondents no. 1 to 4 to take action against the respondent no. 5. The learned counsel for the respondent No. 3 Bank makes a statement that the respondent no. 3 has already issued a show cause notice to the respondent no. 5 and thereafter the respondent no. 5 has already been placed under suspension and thus the respondent no. 3 has initiated proceedings against the respondent no. 5. Therefore, this petition has become infructuous.

4. In the facts and circumstances of this case, this petition is dismissed having become infructuous. Rule is discharged with no order as to costs. However, the respondent no. 3 Bank would be at liberty to take any action against the respondent no.5 if needed under the relevant Rules.

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/JVSatwara/